

1510 - B Third Street
Tillamook, Oregon 97141
www.tillamook.or.us



Cheese, Trees and Ocean Breeze

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

VARIANCE REQUEST #851-21-000296-PLNG: KAVANAUGH

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

November 1, 2021

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Variance Request on November 1, 2021.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on November 15, 2021.**

Request: A Variance request to reduce the required the required side-yard set-back from fifteen (15) feet to eight (8) feet along the SW property corner, and fifteen (15) feet to five (5) along a ten (10) foot section adjacent to the end of Road ROW for the construction of a single-family dwelling on a property located in the Unincorporated Community of Neahkahnie.

Location: The subject property is accessed via Beeswax Trail, a County Road, and is designated as Tax Lot 2401 of Section 20CB, Township 3 North, Range 10 West, W.M., Tillamook County, Oregon.

Zone: Neahkahnie Urban Residential (NK-15)

Applicant: David and Shirley Kavanaugh, 4328 Croisan Ridge Way, S. Salem, OR 97141

Property Owner: David and Shirley Kavanaugh, 4328 Croisan Ridge Way, S. Salem, OR 97141

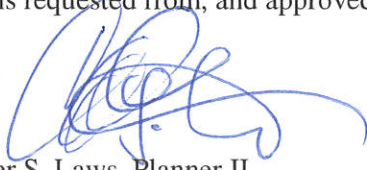
CONDITIONS OF APPROVAL

Section 8.060: COMPLIANCE

WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks, at the time of Building Permit and Zoning Permit application.
3. The applicant/property owner shall obtain an approved Building Permit and Zoning Permit from the Tillamook County Department of Community Development.
4. The applicant/property owner shall submit an updated letter for a road approach permit at time of Building Permit and Zoning Permit application submittal.
5. Development of the property shall be done in accordance with the site development standards of TCLUO Section 3.350(5).
6. Development of the property shall be done in accordance with the development standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Geologic Hazard Report is required for development of this property and shall be submitted to the Department prior to or at the time of Zoning and Building Permit application submittal.
7. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.300: Neahkahnie Urban Residential Zone (NK-15).
8. The approved side-yard set-back from fifteen (15) feet to eight (8) feet along the SW property corner, and fifteen (15) feet to five (5) along a ten (10) foot section adjacent to the end of Road ROW shall be verified and maintained.
9. This approval shall be void on November 1, 2024 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,



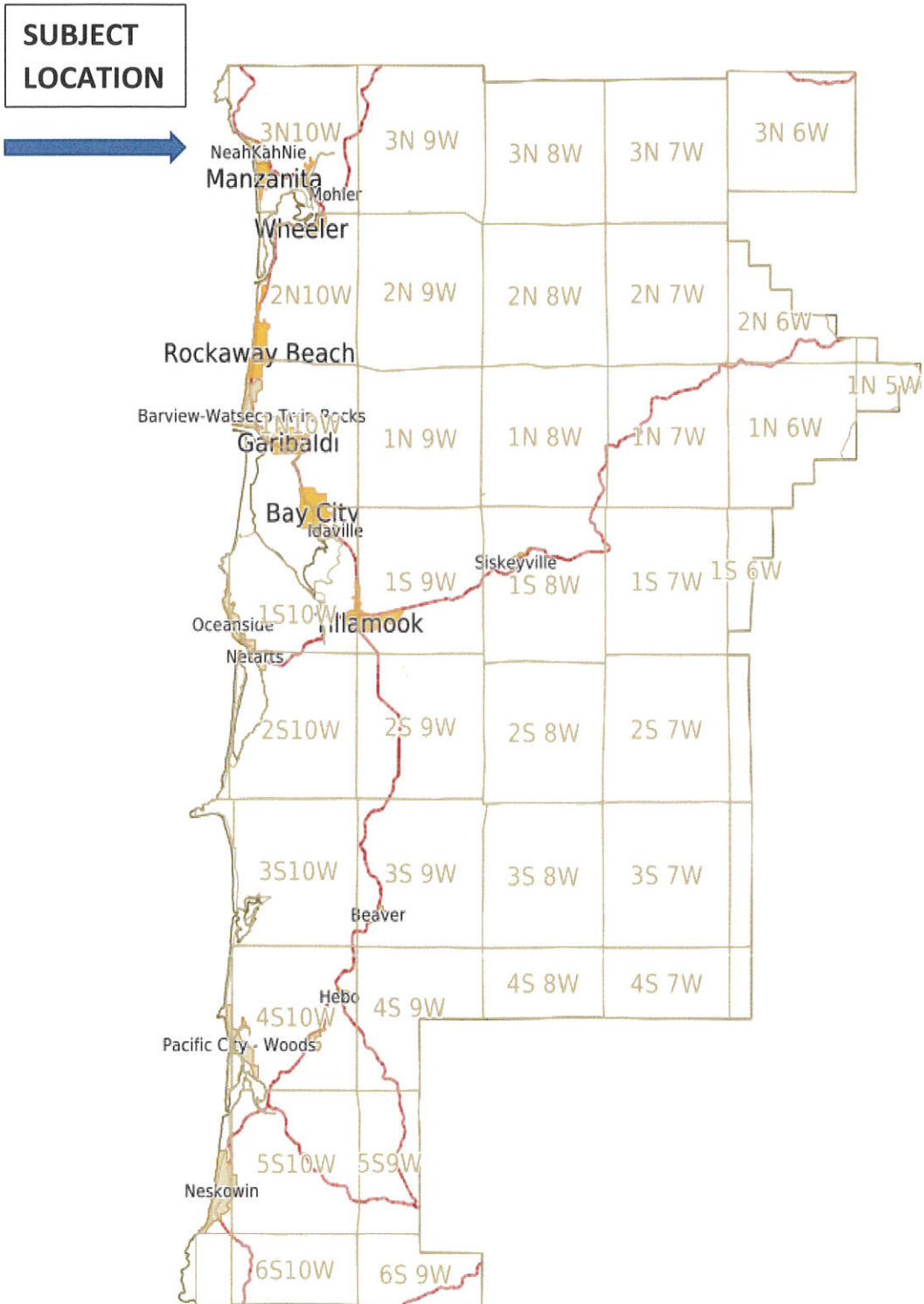
Christopher S. Laws, Planner II



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps

VICINITY MAP



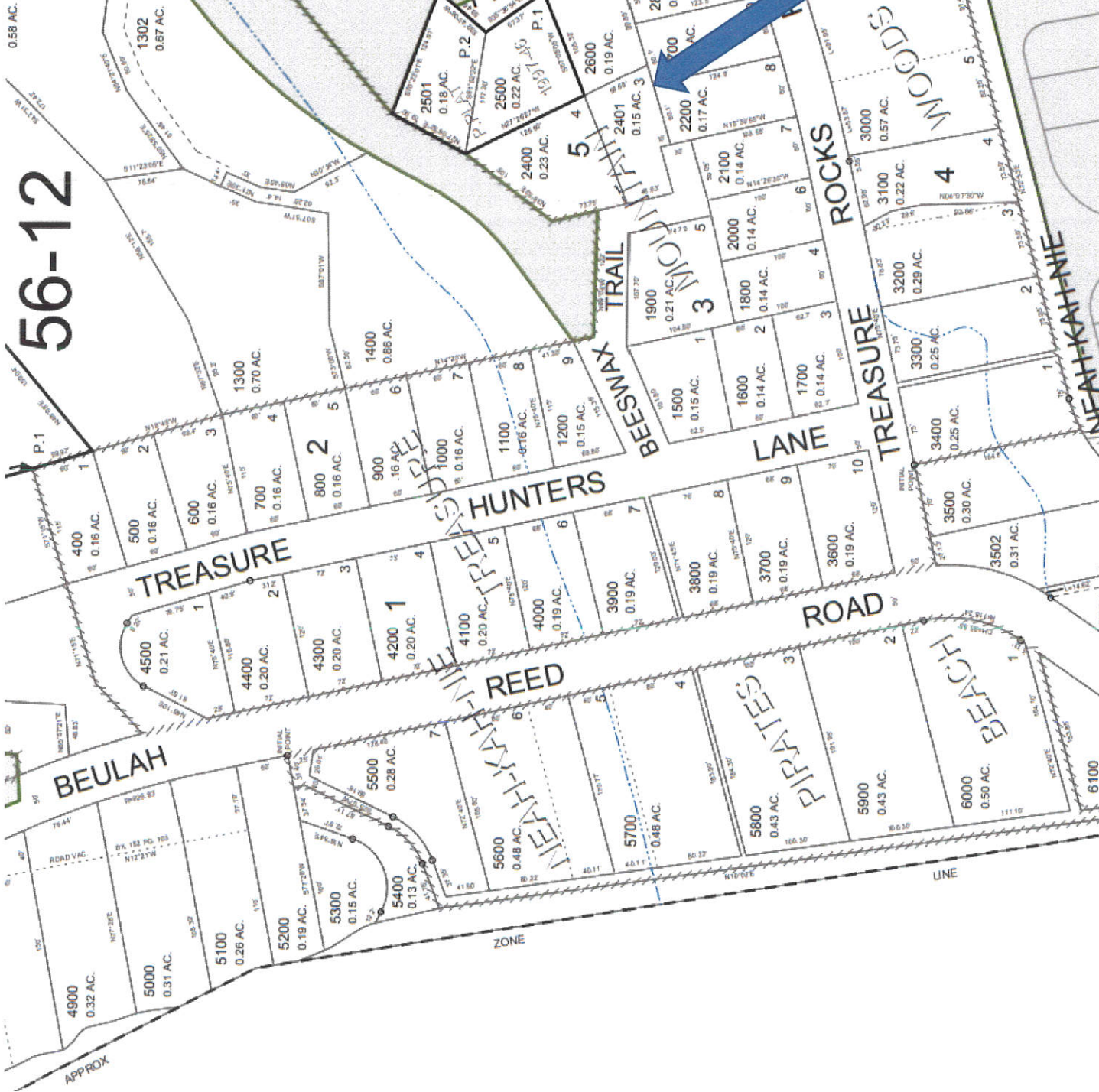
#851-21-000296-PLNG: KAVANAUGH

56-12

SEE MAP 3N 10W 20CA

PIRATES WAY

WOODS ROAD



ZONE

TREASURE LANE

LANE

TREASURE

ROAD

BEULAH

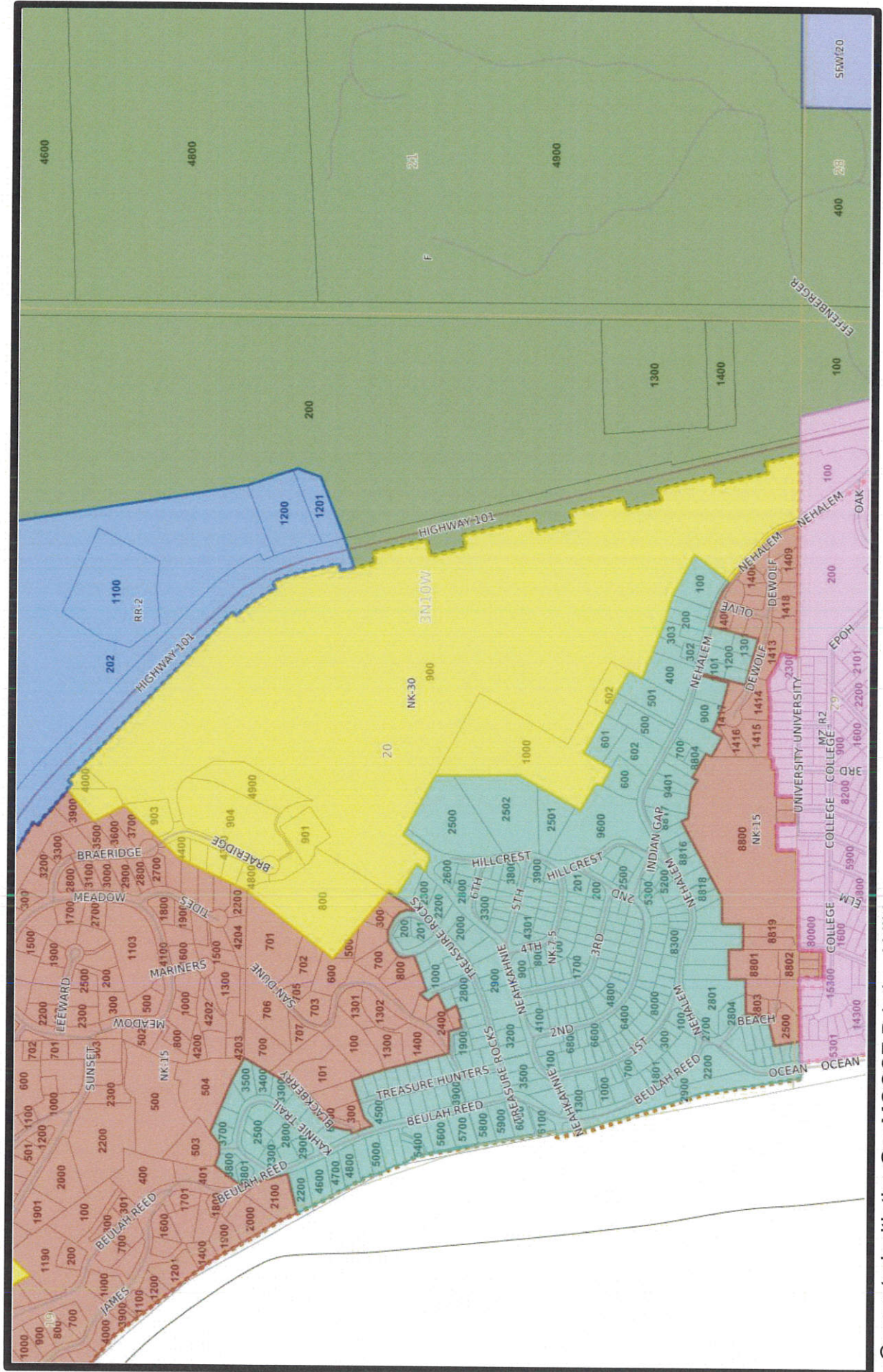
REED

PIRATES BEACH

LANE

APPROX

Map





Land of Cheese, Trees and Ocean Breeze

1510 Third Street Suite B
Tillamook, Oregon 97141
www.tillamook.or.us

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Planning (503) 842-3408
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Toll Free +1 (800) 488-8280

**Variance, 851-21-00296-PLNG: Kavanaugh
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: November 1, 2021
Report Prepared By: Christopher S. Laws, Planner II

I. GENERAL INFORMATION:

Request: A Variance request to reduce the required the required side-yard set-back from fifteen (15) feet to eight (8) feet along the SW property corner, and fifteen (15) feet to five (5) along a ten (10) foot section adjacent to the end of Road ROW for the construction of a single-family dwelling on a property located in the Unincorporated Community of Neahkahnie.

Location: The subject property is accessed via Beeswax Trail, a County Road, and is designated as Tax Lot 2401 of Section 20CB, Township 3 North, Range 10 West, W.M., Tillamook County, Oregon.

Zone: Neahkahnie Urban Residential (NK-15)

Applicant: David and Shirley Kavanaugh, 4328 Croisan Ridge Way, S. Salem, OR 97141

Property Owner: David and Shirley Kavanaugh 4328 Croisan Ridge Way, S. Salem, OR 97141

Description of Site and Vicinity: The subject property is 0.15 acres located at the end of Beeswax Trail, a County road, in the Treasure Mountain Woods Plat of the unincorporated Neahkahnie community and is Zoned NK-15 (Exhibit A). The surrounding area(s) are zoned NK-15 and NK-7.5 consisting of single-family residential uses (Exhibit A). The Applicant states that the subject property has a topography situated on a hillside with approximately 24 feet of elevation change from east to west with a retaining wall near the east property line. (Exhibit A)

Applicant is requesting to reduce the required side-yard set-back from fifteen (15) feet to eight (8) feet along the SW property corner, and fifteen (15) feet to five (5) along a ten (10) foot section adjacent to the end of Road ROW (Exhibit B).

The subject property contains no wetlands and is not located in a Special Flood Hazard Area per FIRM Panel 41057C0202F. The subject property does exist within a Geological Hazard area and within the Beach and Dune Overlay (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Article III: Section 3.300: Neahkahnie Urban Residential Zone NK-15
- B. Article VIII: Section 8.030 Review Criteria
- C. Article IV: Section 4.005: Residential and Commercial Zone Standards
- D. Article IV Section 4.130: Development Requirements for Geologic Hazard Areas
- E. Article III: Section 3.530 Beach & Dune Overlay (BD)

III. ANALYSIS:

A. Article III Section 3.300 Neahkahnie Urban Residential Zone (NK-7.5, NK-15, NK-30)

(1) PURPOSE: The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, single-family, urban area has public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that wished to maintain a primarily single-family residential character. The only differences in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.

Section 3.300(2) list uses permitted outright in the zone.

Findings: Staff finds that the requested use is allowed outright in the NK-15 zone pursuant to Section 3.300(2)(a).

Section 3.300(4), Land divisions in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:

(a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:

1. The provisions of the "cluster subdivision" section of the Land Division Ordinance or of the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet

2. In the Neahkahnie Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.130 of the Land Use Ordinance, but such lots shall not be smaller than the minimums provided in the NK-7.5, NK-15 and NK-30 zones.

(b) The minimum lot width shall be 60 feet.

(c) The minimum lot depth shall be 75 feet.

(d) The minimum front yard setback shall be 20 feet.

Adopted May 27, 2015 Tillamook County Land Use Ordinance Article 3.100 3

(e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet.

(f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.

(g) The maximum building height shall be 17 feet west of the line shown on the zoning maps and 24 feet east of that line. (That line is approximately 500 feet east of the Beach Zone Line.)

Findings: The subject Tax Lot was created within the Treasure Mountain Woods subdivision approved in 1948 (Exhibit A) and therefore exists as a legally existing Lot of Record. Standard 3.330(4)(e) is the subject of this Variance application and may be permitted only on finding that the requirements of TCLUO Article VIII have been satisfied. The requirements of TCLUO Article VIII, Variance Procedures and Criteria, are addressed below.

B. Article VIII: Variance Procedure and Criteria; including Section 4.005 Residential and Commercial Zone Standards

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

Article VIII of the Tillamook County Land Use Ordinance governs the application of Variances.

Section 8.020 requires notification of the request to be mailed to landowners within 250-feet of the subject property, to allow at least 14 days for written comment and requires Staff to consider comments received in making the decision.

Findings: A notice of the request was mailed to property owners within 250 feet of the subject property on October 13, 2021. One comment was received (Exhibit C).

Section 8.030 states that a Variance may be authorized if the applicants/property owners adequately demonstrate that the proposed use satisfies all relevant requirements, including all four review criteria in Section 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff's findings and conclusions are indicated below:

(1) *Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of legally existing lot, or to the placement of structures thereupon, would effectively preclude the*

enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

Findings: Applicant states that the subject property is an area designated NK-15 whose minimum requirements of 15,000 square feet were intended to accommodate the steep slopes common to the area. The subject property is smaller than the minimum requirement by over half (6,530sf) with a narrow street frontage, and further constrained by an un-common County road adjacent to the southwest property line. Staff finds that due to these constraints, enjoyment of a dwelling that is enjoyed by similar sized properties in the area is partially precluded on the subject property and this criterion has been met (Exhibit B).

(2) A variance is necessary to accommodate a use or accessory use on the lot which can be reasonably expected to occur within the zone or vicinity.

Findings: Single-family dwellings are an outright allowed use in the NK-15 zone, and this use is consistent with surrounding properties on similarly small Tax Lots. Staff finds this criterion has been satisfied.

(3) The proposed variance will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

Findings: Analysis of TCLUO Section 4.005 follows in a subsequent section.

(4) There are no reasonable alternatives requiring either a lesser or no variance.

Findings: Applicant states that there are no other reasonable alternatives due to the unusual shape and small size of the parcel and the uncommon adjacent County road which, when accounting for setbacks, has a limited allowable footprint (Exhibit B). Staff finds this criterion has been met.

C. Article IV, Section 4.005 Residential and Commercial Zone Standards

(1) To ensure the availability of private open spaces;

Findings: The Applicant states the proposed location of the dwelling is approximately 3,200 square feet of covered space totaling roughly 49% of the subject property leaving 51% for open space (Exhibit B). Staff finds this criterion met.

(2) To ensure that adequate light and air are available to residential and commercial structures;

Findings: The Applicant states that the proposed development will not require the removal of any trees or any other feature that impacts light and air resources (Exhibit B). Staff finds this criterion met.

(3) To adequately separate structures for emergency access:

Findings: Staff finds that the proposed development meets the minimum structure separation of six (6) feet outlined in Article IV, SECTION 4.080 (Exhibit B). Staff finds this criterion met.

(4) To enhance privacy for occupants or residences;

Findings: Applicant states that the garage location allows cars to be parked within and not on the street or driveway thereby increasing neighboring privacy (Exhibit B). Staff finds these criteria met.

- (5) *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

Findings: Applicant's submittal indicates that all development will occur on the subject property (Exhibit B). Staff finds this criterion met.

- (6) *To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) *To ensure safe access to and from common roads;*

Findings: Staff finds that access to adjacent properties will not be impacted by the proposed Variance and that driver visibility will not be obstructed. The setback Variance is to an uncommon County road that deadends approximately fifty (50) feet after bending north east along the subject property's southwest property line. Staff finds these criteria met (Exhibit A & B).

- (8) *To ensure that pleasing views are neither unreasonably obstructed nor obtained;*

Findings: Currently, the site is unimproved (Exhibit B). The County regulates views through compliance with building height requirements. Staff finds that compliance with building height requirements can be demonstrated at the time of Zoning Permit and Building Permit submittal. Staff finds the criterion in Section 4.005(8) can be met through compliance with the Conditions of Approval.

- (9) *To separate potentially incompatible land uses;*

Findings: The applicant proposes the construction of a single-family dwelling if the Variance is approved (Exhibit B). The use is allowed outright in the NK-15 zone and is expected to occur in this area. Staff finds that this criterion met.

- (10) *To ensure access to solar radiation for the purpose of alternative energy production.*

Findings: County records do not indicate any such facilities are in the vicinity of the subject property. Staff finds that the proposed expansion does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and finds this criterion met.

D. Article IV, Section 4.130: Development Requirements for Geologic Hazard Areas

(b) Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;

...

(3) A GEOLOGIC HAZARD report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:

(a) For building or mobile home or manufactured home permits in areas identified in (1)(b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1)(f) applies.

Findings: Staff finds the subject property lies within a Geologic Hazard area identified as an inactive landslide identified on the DOGAMI Hazard Map 3N10; therefore, Article IV, Section 4.130 must be addressed. This requirement can be met through the Conditions of Approval (Exhibit A).

E. Article III: Section 3.530 Beach & Dune Overlay (BD)

(1) *PURPOSE:*

The purpose of the Beach and Dune Overlay Zone is to regulate development and other activities in a manner that conserves, protects and, where appropriate, restores the natural resources, benefits, and values of coastal beach and dune areas, and reduces the hazard to human life and property from natural events or human-induced actions associated with these areas. The Overlay Zone establishes guidelines and criteria for the assessment of hazards resulting from beach and dune processes and development activities in beach and dune areas.

(2) *APPLICABILITY:*

(a) The BD zone applies to dune areas identified in the Goal 18 (Beaches and Dunes) Element of the Comprehensive Plan and indicated on the Tillamook County Zoning Map. These areas were identified based on information contained in the inventory of beach and dune landforms of Tillamook County, prepared by the Soil Conservation Service (SCS, now known as the Natural Resource Conservation Service) and published in their 1975 report, Beaches and Dunes of the Oregon Coast

Findings: Staff finds the subject property exists within the Beach & Dune Overlay and identified as Older Stabilized Dunes on the 1974 Sand Dunes Map and *Category (4)(2) ... older stabilized...* pursuant to Section 3.530 *et seq.* and as such does not require a Dune Hazard Report pursuant to Section 3.530(5)(B)(1)(b) but, shall comply with the site development requirements of Section 3.350(5). This requirement can be met through the Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant has satisfied or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

By accepting this approval, the applicants/property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

Unless this Decision is appealed the **Effective Date of Decision shall be November 15, 2021**

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on November 14, 2021.**

V. CONDITIONS OF APPROVAL:

Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks, at the time of Building Permit and Zoning Permit application.
3. The applicant/property owner shall obtain an approved Building Permit and Zoning Permit from the Tillamook County Department of Community Development.
4. The applicant/property owner shall submit an updated letter for a road approach permit at time of Building Permit and Zoning Permit application submittal.
5. Development of the property shall be done in accordance with the site development standards of TCLUO Section 3.350(5).
6. Development of the property shall be done in accordance with the development standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Geologic Hazard Report is required for development of this property and shall be submitted to the Department prior to or at the time of Zoning and Building Permit application submittal.
7. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.300: Neahkahnie Urban Residential Zone (NK-15).
8. The approved side-yard set-back from fifteen (15) feet to eight (8) feet along the SW property corner, and fifteen (15) feet to five (5) feet along a ten (10) foot section adjacent to the end of Road ROW shall be verified and maintained.
9. This approval shall be void on November 1, 2024 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

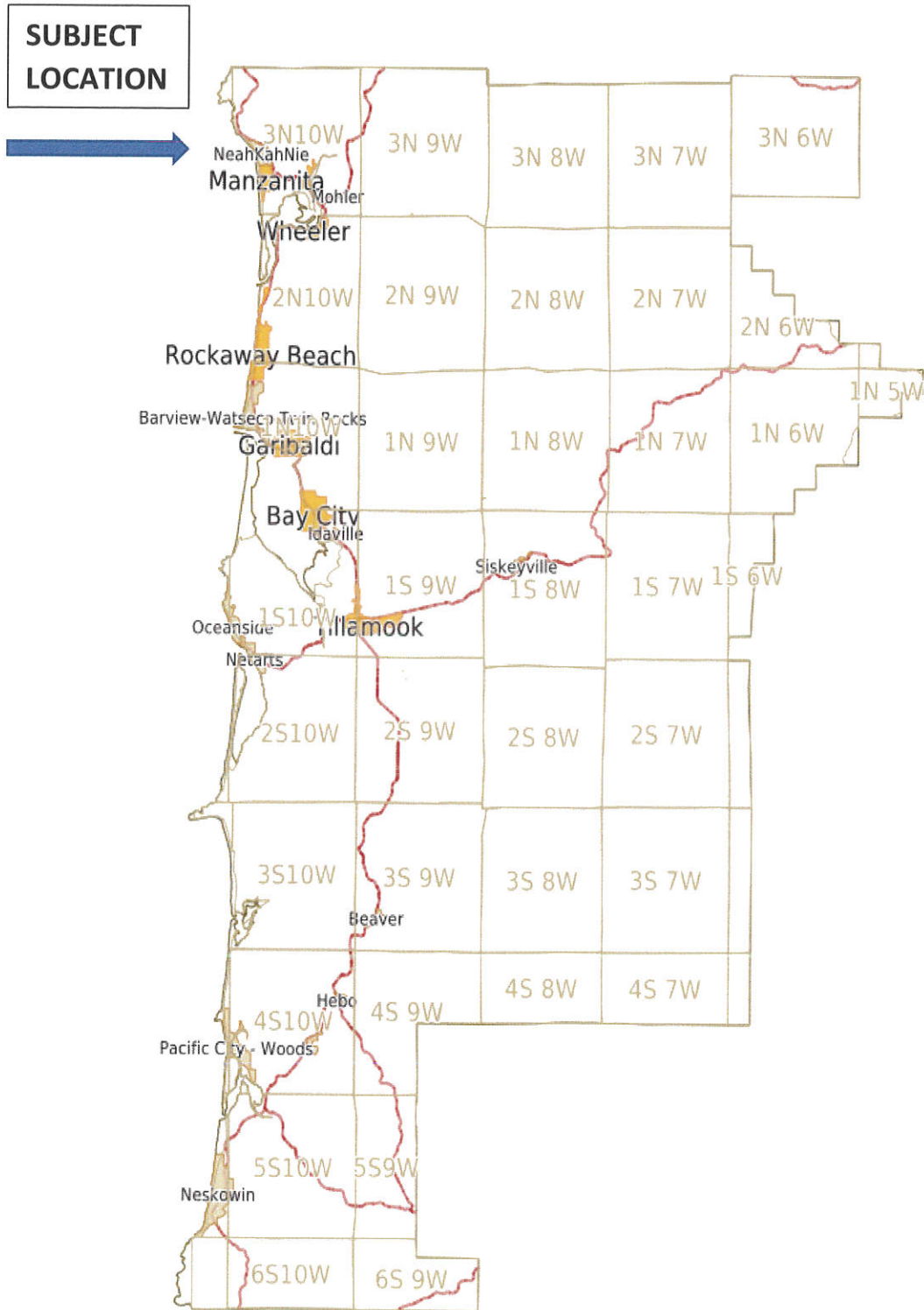
VI. EXHIBITS:

All Exhibits referenced herein are, by this reference, made a part hereof:

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Correspondence

EXHIBIT A

VICINITY MAP



#851-21-000296-PLNG: KAVANAUGH

56-12

SEE MAP 3N 10W 20CA



TREASURE MOUNTAIN WOODS

IN SECTION 20 TWP. 3 NORTH RANGE 10 WEST W.M.

TILLAMOOK COUNTY

NEAH-KAH-NIE BEACH AREA

SCALE 1" = 100'

BEULAH REED COUNTY ROAD



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that we, Barney Lucas and Helen E. Lucas, his wife, being the owners of that tract of land described in the Surveyors Certificate hereon made and desiring to dispose of the same in Lots 9 Blocks, have caused the same to be surveyed and plotted the name to be known as 'TREASURE MOUNTAIN WOODS'.

Tillamook County, Oregon
We hereby dedicate to the public use forever the streets, walkways, waterways and other grounds as shown hereon and we hereby certify that all taxes and assessments levied against said land have been paid in full.

In witness whereof we have hereunto set our hands and seals this day of September, 1948

Witness (Signature) Notary Public
Witness (Signature) Helen E. Lucas Seal

STATE OF OREGON }
COUNTY OF TILLAMOOK } 33

Be it known that on this 30th day of September, 1948, personally came before a Notary Public for and in the said County and State, the within named Barney Lucas and Helen E. Lucas, his wife, to me personally known to me to be the identical persons described in and who executed the above instrument and who personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named and without, fear or compulsion from anyone.

Witness my hand and seal this 30th day of September, 1948 Donald J. Laughlin

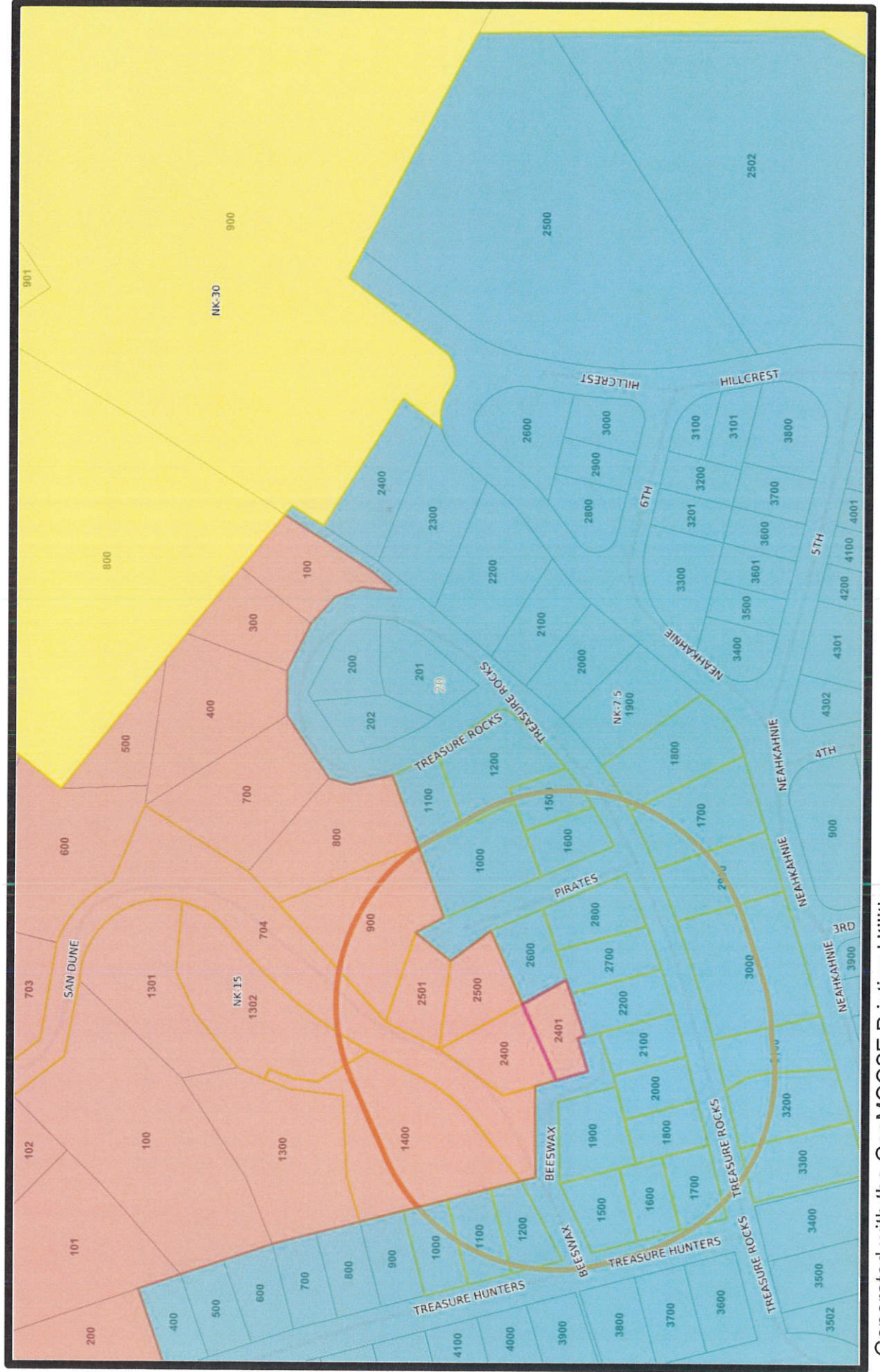
Notary Public for Oregon

My Commission expires March 19, 1950.

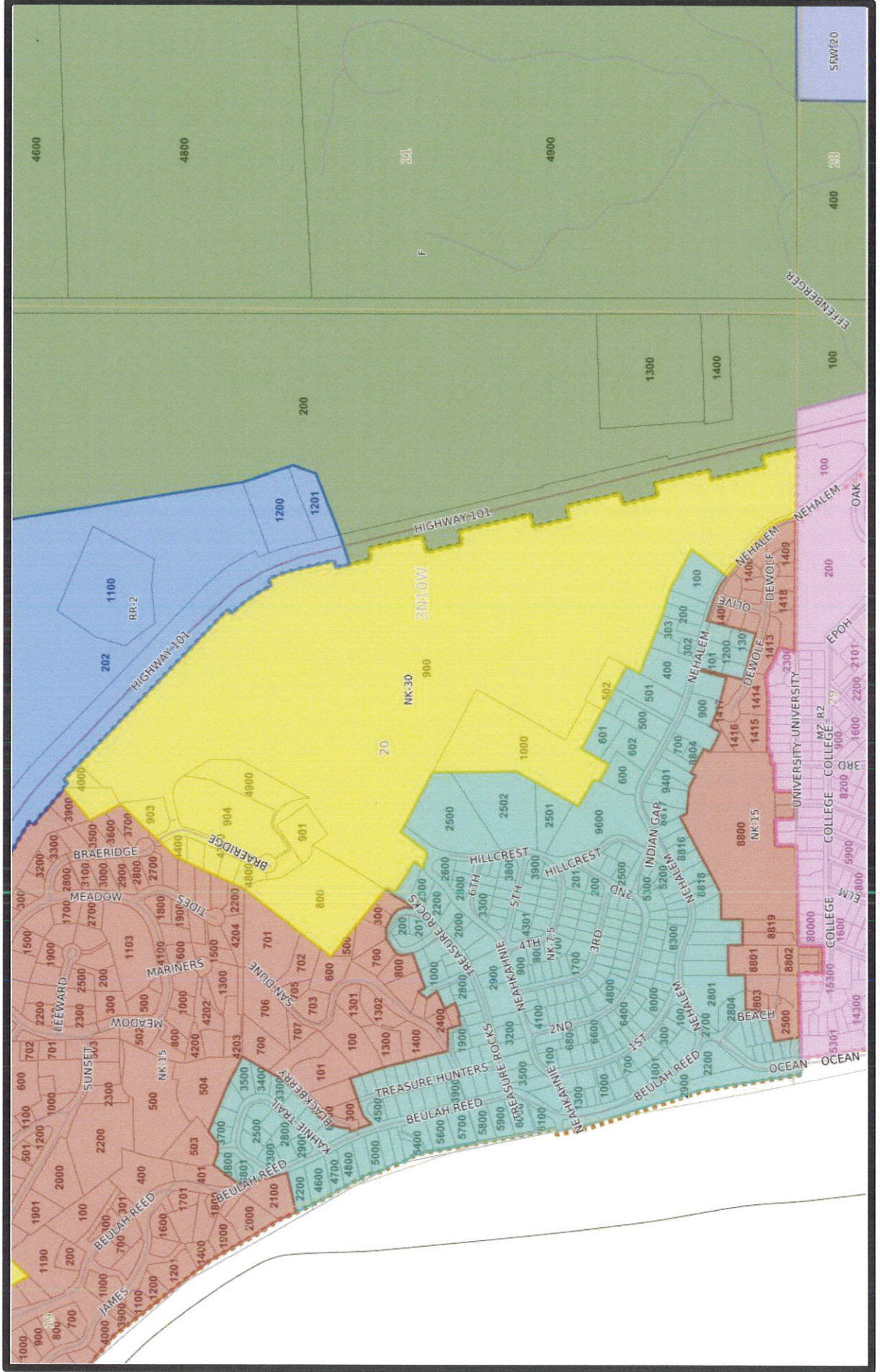
SURVEYORS CERTIFICATE

I, J. H. Scott, being first duly sworn, depose and say that I have surveyed and marked with proper monuments the land hereon shown as 'FOR A SIDE MOUNTAIN WOODS' Tillamook County, Oregon and

Map



Map



TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

October 19, 2021 12:51:14 pm

Account # 414145
Map # 3N1020CB02401
Code - Tax # 5612-414145

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr TREASURE MOUNTAIN WOODS
 Block - 5 Lot - 3

Mailing Name KAVANAUGH, DAVID C & SHIRLEY A

Deed Reference # 2017-2909
Sales Date/Price 05-12-2017 / \$280,000.00
Appraiser KASANDRA LARSON

Agent

In Care Of

Mailing Address 4328 CROISAN RIDGE WAY S
 SALEM, OR 97302

Prop Class 100 **MA** **SA** **NH** **Unit**
RMV Class 100 04 OV 419 42853-1

Situs Address(s)	Situs City
-------------------------	-------------------

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
5612	Land Impr.	295,450 0		Land Impr.	0 0
Code Area Total		295,450	156,360	156,360	0
Grand Total		295,450	156,360	156,360	0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV
						TD%	LS	Size	
5612		<input checked="" type="checkbox"/>		NK-15	Market	103	A	0.15	295,450
Grand Total								0.15	295,450

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
Grand Total									0	

Comments: 07/09/08 - New taxlot created out of a segregation with lot 2400. Apportioned values - 96/09 bring RMV to market, KL.
 01/07/09 - Land RMV to market and MAV apportioned, KL.
 03/25/10 - Phase 1 review - tabled land, KL.



Tillamook County Oregon

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- Search by Layer
- Select by

Jump To:

Catalog Search Taxlots

Back to Settings

Taxlot

Zoom to: [Shape](#)

Map Number 03N10W20CB

Taxlot 2401

MapTaxlot 3N1020CB02401

OR Taxlot -000002401

Acres 0.15

Primary Acct 414145

Owner Name KAVANAUGH, DAVID C &
SHIRLEY A

Agent

Mail Address 4328 CROISSAN RIDGE WAY
S

Mail City SALEM

Mail State OR

Mail Zip 97302

Situs

Situs City

Instrument 2017-2909

PCA 100

PCA Desc VACANT LAND, ZONED
RESIDENTIAL

Assessed Val \$ 156,360

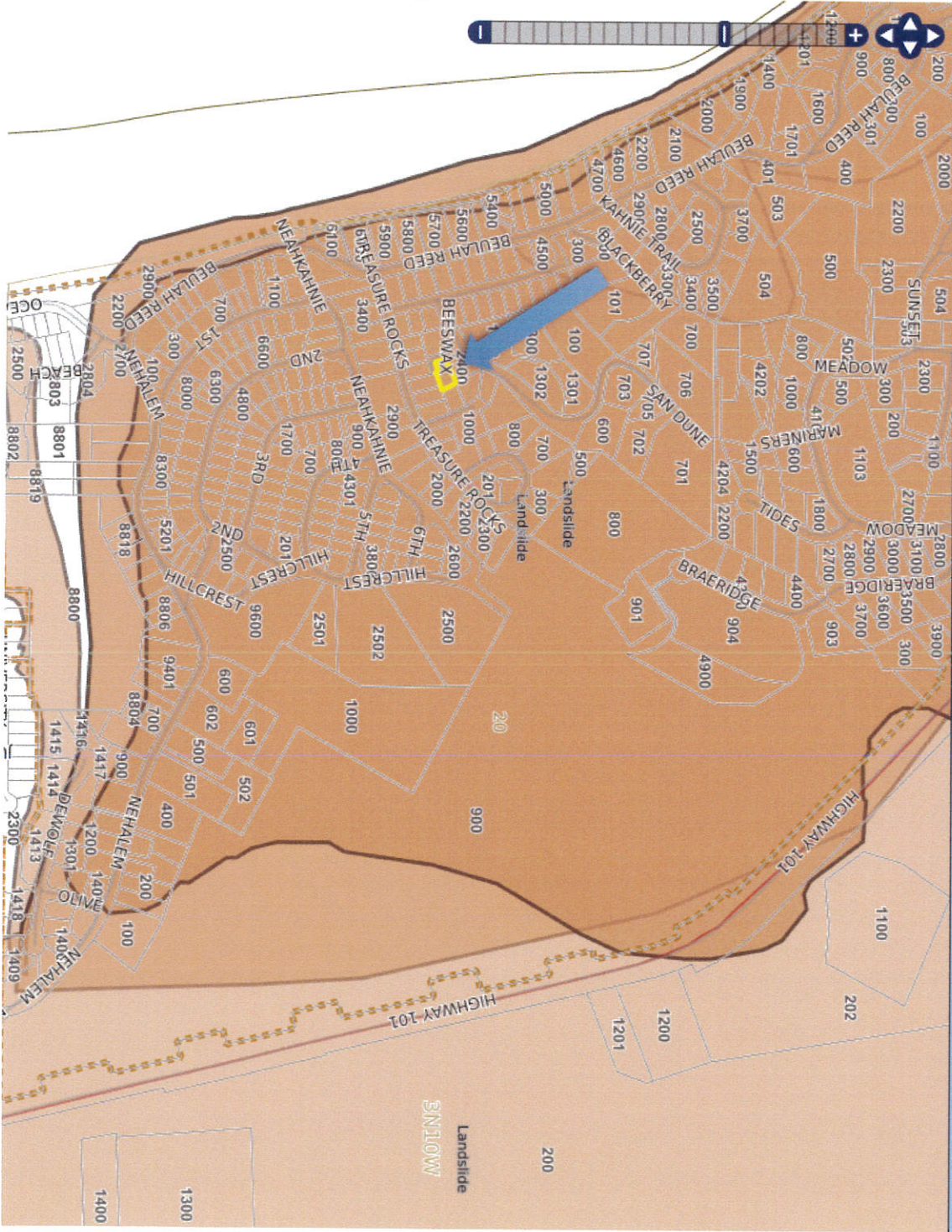
Imp Val \$ 0

Land Val \$ 156,360

Acct Status: Active

Tax Status: Assessable

Tax Account Information: [Account Query](#)



FEMA's National Flood Hazard Layer (NFHL) Viewer

with Web AppBuilder for ArcGIS

8170 Beeswax Trl, Nehalem, OR X

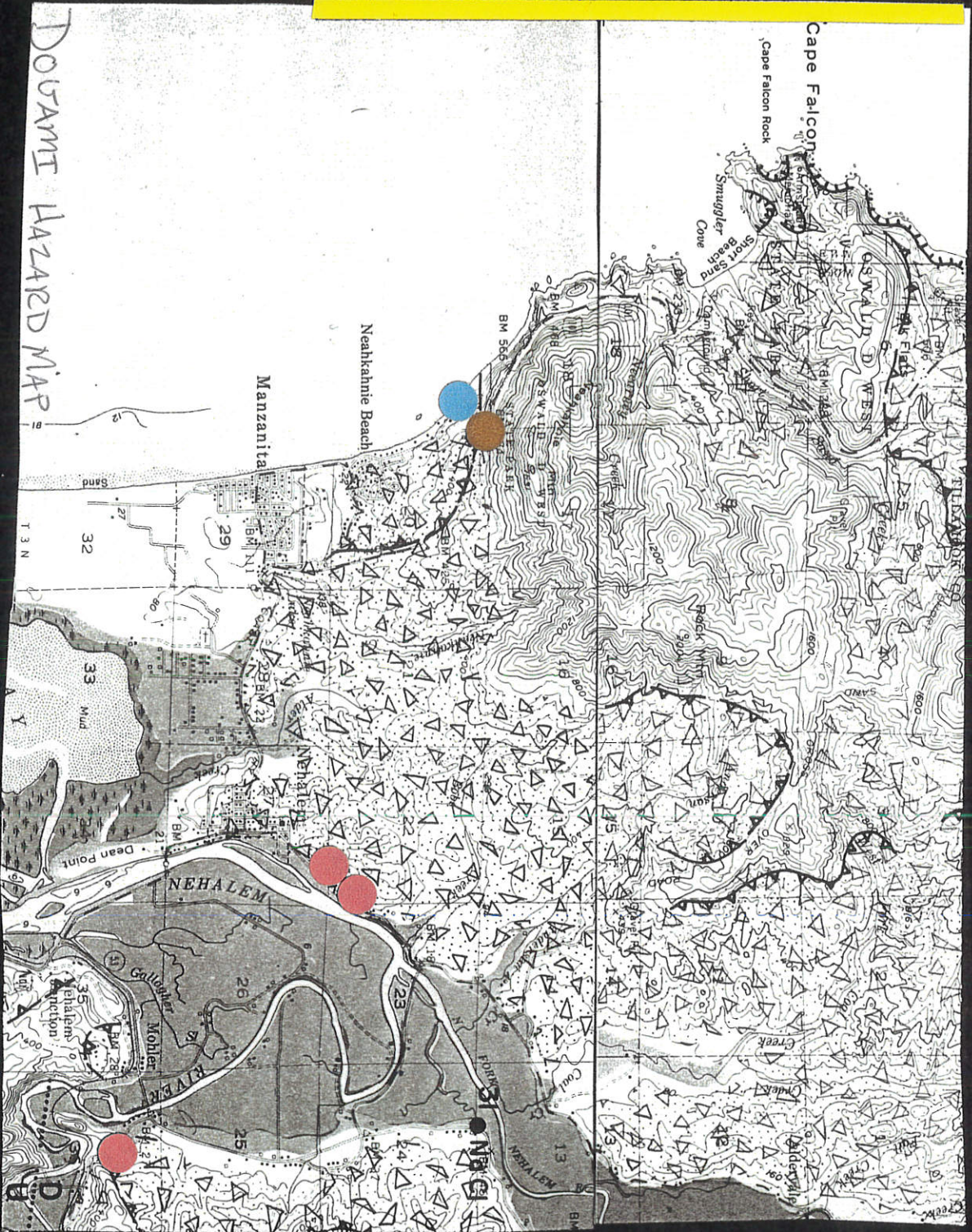
Show search results for 8170 Beeswa...

(EL:46.8)



4105700202F
eff: 9/28/2018

TILLAMOOK
COUNTY
410196



DOSAMI HAZARD MAP

EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: David & Shirley Kavanaugh Phone: 503-480-9052
 Address: 4328 Croisan Ridge Way, S.
 City: Salem State: OR Zip: 97302
 Email: dkavanaugh@comcast.net

Property Owner

Name: Same as Above Phone:
 Address:
 City: State: Zip:
 Email:

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
JUL 27 2021	
BY: <i>Counter</i>	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by: <i>MJ</i>	
Receipt #:	
Fees: <i>1,089</i>	
Permit No:	
851-21-00296PLNG	

Request: Variance to the setback development standards

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Appeal of Director's Decision
- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: Treasure Mountain Woods, Lot 3

Map Number:	3N	10W	20 CB	02401
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

David Kavanaugh

July 23, 2021

Property Owner Signature (Required)

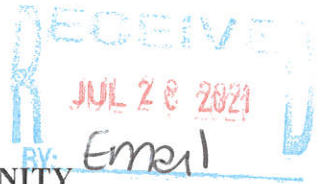
Date

David Kavanaugh

July 23, 2021

Applicant Signature

Date



IN A MATTER BEFORE THE TILLAMOOK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

BURDEN OF PROOF STATEMENT

APPLICANT/ OWNER: David and Shirley Kavanaugh 4328 Croisan Ridge Way, S. Salem, OR 97302

ENGINEER: Chance Steffey, P.E., CWRE Steffey Engineering & Consulting, LLC 1545 Black Sands Way Tillamook, OR 97141

LOCATION: The subject property is Lot 3, Block 5, Treasure Mountain Woods Subdivision, also identified as Tax Lot 02401 on the Tillamook County Tax Map 3N1020CB.

REQUEST: Approval of the application for a variance to side yard setback limits, reducing them from 15 ft to 8 ft along SW property corner, and 15 ft to 5 ft along the 10 ft section adjacent to the end of Road ROW.

I. APPLICABLE STANDARDS, CRITERIA & PROCEDURES:

Tillamook County Land Use Ordinance (LUO)

Article 3 – Zone Regulations

Section 3.300 Neahkahnne Urban Residential Zone (NK-7.5, NK-15, NK-30)

Article 4 – Development Standards

Section 4.005 Residential and Commercial Zones

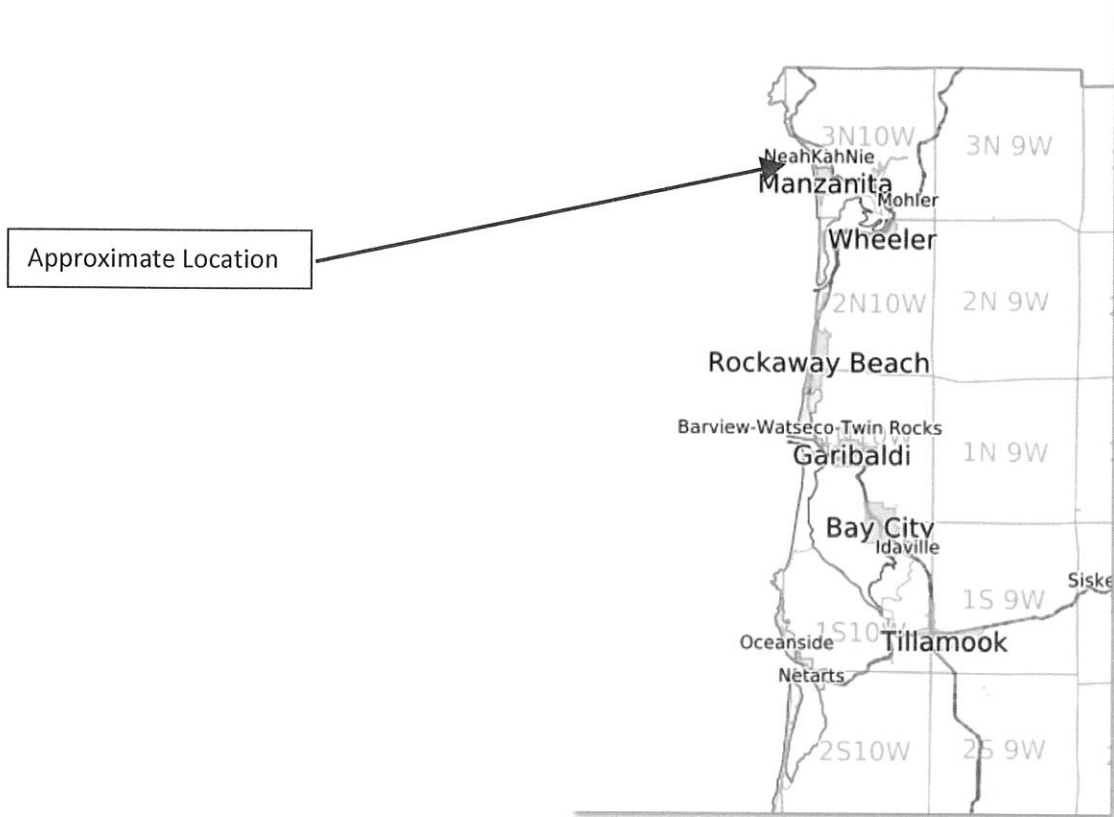
Section 4.110 Exceptions to Yard Setback Requirements

Article 8 – Variance Procedures and Criteria

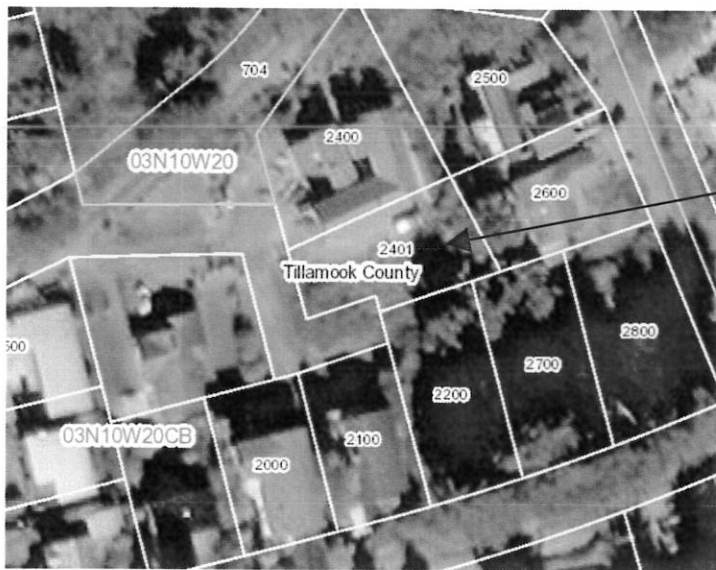
Section 8.030, Review Criteria

II. FINDING OF FACT:

1. LOCATION: The subject property is identified on the Tillamook County Tax Map 3N1020CB02401.

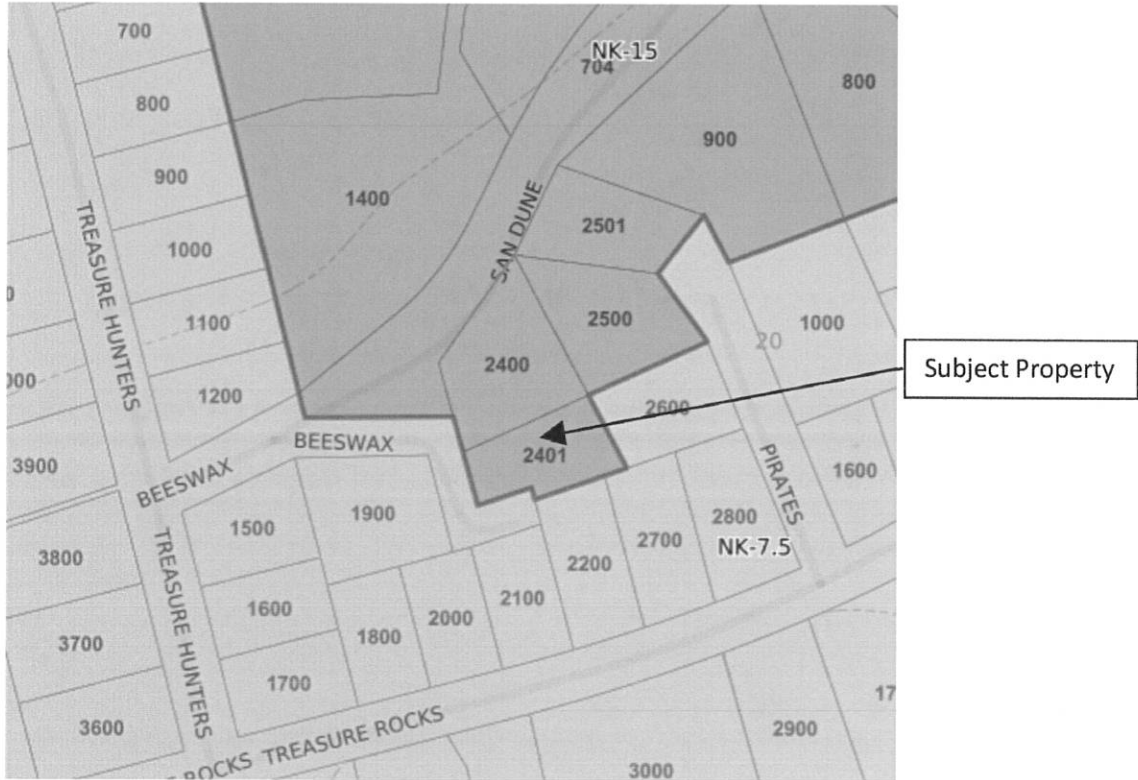


Vicinity Map



Location Map

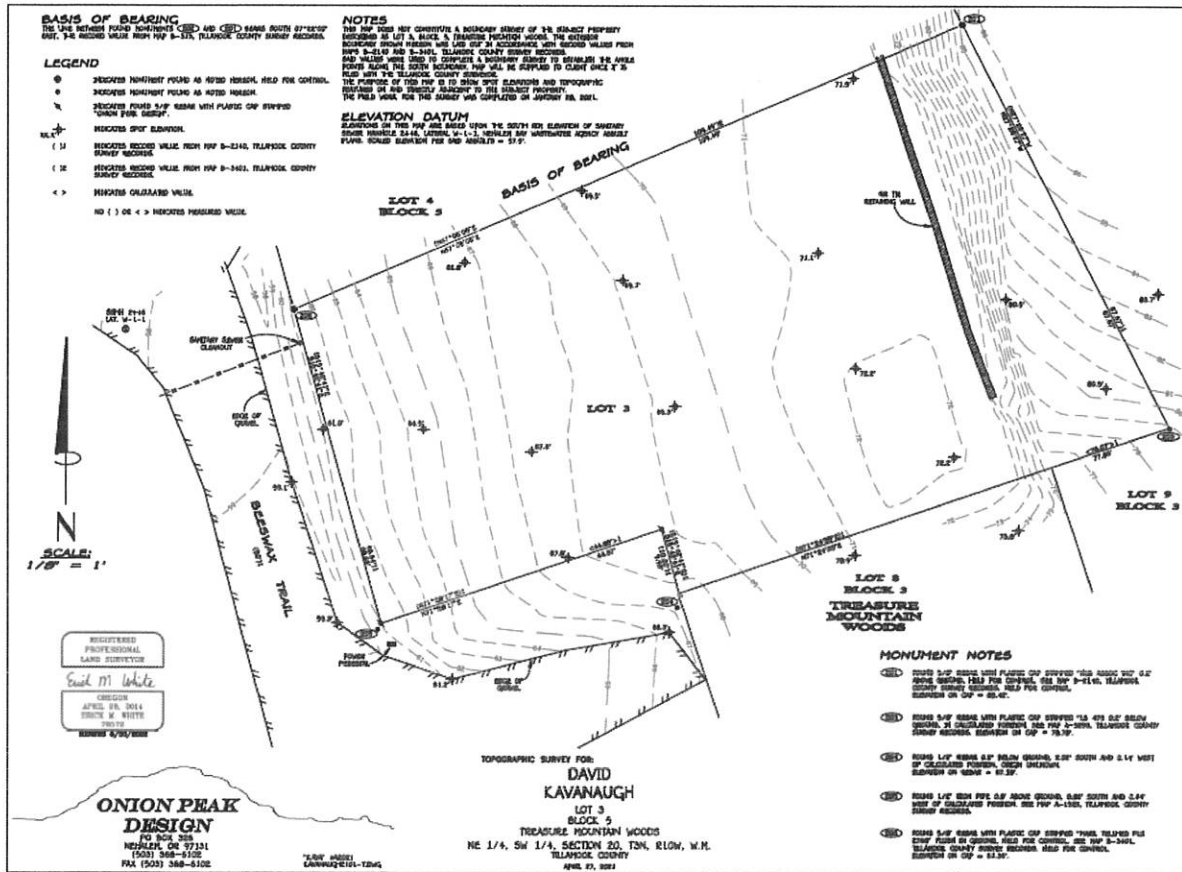
2. **EXISTING ZONING:** The subject property is zoned NK-15.



Zoning Map

3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is located in the Neahkahnie urban residential zone NK-15 and is an empty lot containing approximately 0.15 acres (approx. 6,530 SF). The property is generally rectangular in shape with 48.9 feet of frontage, a 10-foot section of the southwest corner was carved out to accommodate the 90 degree turn in Beeswax Trail to the dead end making for an shortened frontage. The existing gravel road (Beeswax Trail) abutting the west and southwest corner of the property serves as an access for this property, lot 2400 to the north and lot 2100 to the south. Lot 2100 and lot 2200 which is an undeveloped lot to the south of the subject property, may access through this road, but they also have road frontage on Treasure Rocks Road. Like many lots in this area the topography of the site is situated on a hillside with approximately 24 feet of elevation change from the east to the west of the property. The property has significant sloping topography on its east side, levels out across most of the lot, then slopes with a drop from the west property line to the adjacent beeswax trail. There is a retaining wall near the east property line that was installed sometime in the past to stabilize the steep embankment on the east side of the property. The lots within the NK-15 zone are generally larger in size than the subject property and is more similar in size and shape to the lots in the adjacent NK-

7.5 zone, which are less impacted by the topography. Both the NK-15 and NK-7.5 are primarily used for single-family residential homes at the varying densities to accommodate the topography.



Topographic Survey

- PROPOSAL:** Type II application for variance request to side yard setback adjacent to the road right-of way to reduce from 15 feet to 8 feet along SW property corner, and 15 ft to 5 ft along the 10' section adjacent to the end of Road ROW. The purpose is to develop the lot for a single-family residential dwelling. The proposed encroachment into the side yard setback is necessary to make use of the property and build a single level living situation that will allow the owners to age-in-place due to the deficiency of lot size and restrictive topography.

III. APPLICATION OF CRITERIA:

CONFORMANCE WITH THE TILLAMOOK COUNTY LAND USE ORDINANCES

Article 8, Section 8.030, lays out four criteria for review of a request for variance. Each of these will be addressed below.

Section 8.030, REVIEW CRITERIA

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

(1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

RESPONSE: The subject property is located in the NK-15 residential zone, which was intended for lots with minimum size of 15,000 SF in order to accommodate the steep slopes in this area. With the size and configuration of this lot it would have been better to place it within the adjacent zone NK-7.5 for lots 7,500 SF or larger, but even that is still a higher standard than the actual size of this lot at approximately 6,530 SF. With respect to the size of lots 7,500 SF and lower, it has been acknowledged that the standard setbacks are limiting and within the regulations there is an exemption which has been adopted to allow additional space for building, although this only gives relief for front and rear yard setbacks. The other unique feature for this particular lot is the narrow street frontage and unusual configuration of the road right-of-way that ends partially into this lot and not “to and through”. Although Community Development Staff have acknowledged that this lot is not a corner lot, that is-even though it does not sit at the corner of two intersecting street, CDD Staff have interpreted and are requiring setbacks that are similar to standards for corner lots in this situation, applying the setback distance of 15 ft adjacent to the road Right-of-Way, instead of the standard 5 ft side yard setback. The property frontage at approximately 49 feet is already narrower than the required minimum for this zone (60 feet), and with this constraint makes the buildable area even narrower. No other lots in this subdivision or zone have such a constrained situation. These circumstances were not self-created and preclude the owners from the enjoyment of their property rights and a variance on the side yard setback adjacent to the road right-of-way does not impact the other property owners in the vicinity.

(2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.

RESPONSE: The development standards require the minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet. In order to accommodate the building configuration that meets the needs of the owners to have single floor living space and to age-in-place and allow for adequate space to navigate parking of their vehicles meeting the 15 feet standard is a hardship and impacts the enjoyment of their property. The applicant’s proposal is to reduce the setback to 8 feet along SW property corner, and to 5 ft along the 10 ft section adjacent to the end of Road ROW. The 5 feet sideyard setback along the 10 ft section is to allow

for a covered entry at the front doorway. Most of this will remain open space as shown on the site plan. The 5 feet sideyard setback is the standard for all other lots in the vicinity, so this request is not looking to reduce beyond what is already available to neighboring properties in the area.

(3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

RESPONSE: Section 4.005 of the land use ordinances list ten land use standards in general, Section 4.110 provides for exceptions to standards for yard setbacks, and Section 3.300 NK-15 Zone Standards specifically, which will be responded to below:

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

(1) To ensure the availability of private open space;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of road ROW, including house, garage and covered entry is approximately 3,200 SF of covered space, which is 49% of the total lot, allowing 51% of the lot for open space. By allowing the proposed variance the available open space would be similar to other properties in the area and have no impact to their neighbors.

(2) To ensure that adequate light and air are available to residential and commercial structures;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW doesn't require removal of trees or any other item that would create additional impacts for adequate light or air for other structures in the vicinity.

(3) To adequately separate structures for emergency access;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW still adequately maintains separation between structures on adjacent properties for emergency access.

(4) To enhance privacy for occupants of residences;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW has no additional effect on privacy. Other than the garage in the back of the building, increases privacy

by allowing the cars to be parked in the garage instead of out in the open in the driveway or street.

(5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW ensures that parking and hobby work occur in the garage and tools and other equipment can be stored within the garage.

(6) To ensure that driver visibility on adjacent roads will not be obstructed;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW doesn't impact driver visibility on the adjacent roads, actually by locating the driveway along the southern property line it will open up the space along the road right away for greater visibility along the road.

(7) To ensure safe access to and from common roads;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW along with the proposed driveway location aligned perpendicular to the street frontage will provide for the safest access.

(8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW doesn't obstruct views to any of the neighboring properties.

(9) To separate potentially incompatible land uses;

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW doesn't impact other land uses.

(10) To ensure access to solar radiation for the purpose of alternative energy production.

RESPONSE: The proposed location of the dwelling with the proposed 8 foot setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of Road ROW doesn't block solar access and has no impact on other properties in the vicinity.

(4) There are no reasonable alternatives requiring either a lesser or no Variance.

In preparation of the proposed site plan alternative designs were considered, but none of the alternatives would reasonably accommodate aging-in-place single level living with either lesser or no variance to the side yard setbacks. Alternatives considered included: (1) Placing the garage in the rear of the building, which adversely impacted the amount of livable single floor space; (2) Placing the garage in the front of the building with second story living space, but again that would adversely impact livable single level space; (3) Not including a covered entry, but in our North Oregon Coastal climate having a place to get out from under the weather to open and close your door is vital for residents and visitors health and safety by helping to reduce water infiltration at the entrance, and decrease the risk of falls from rain, snow or ice; and (4) Angling the driveway from the end of Beeswax Trail, but that would be a greater safety hazard than the perpendicular proposed configuration. Discussions with Tillamook County Road Department indicated either option would be reasonable accommodations due to the property configuration, but for safety reasons the perpendicular approach allows for more line-of-sight visibility and a straighter drive path.

The proposed locations of the residence, garage and driveway make the best use of the property, are reasonable for accommodating aging-in-place single-level living space, provides for the safest driveway approach, has no impact on neighboring properties and allows the owners to enjoy their property rights that is common by their neighbors.

SECTION 4.110: EXCEPTIONS TO YARD SETBACK REQUIREMENTS

(1) PURPOSE: The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.

(5) SMALL LOT EXCEPTIONS: In the RR, CSFR, RC, CC, CR-1, CR-2, CR-3, RMH and RMD zones and including those communities with adopted community growth boundaries, a front or rear yard, but not both, may be ten feet, provided the following apply to the subject parcel:

(a) The parcel is 7500 square feet or less in size.

(b) At least one side yard is ten feet or more wide.

(c) Required off-street parking is provided.

(d) The right-of-way width at the front of the lot is at least thirty feet. In the case of right-of-ways under 30 feet in width, a ten-foot yard may be approved if it is approved by the Public Works Department.

(e) The lot is not a corner lot. If the lot is a corner lot and meets the above criteria, the front yard may be 15 feet.

RESPONSE: The subject property is approximately 6,530 SF, would have off-street parking and is adjacent to a road right-of-way that is 30 feet, and is not a corner lot, so therefore meets the requirements of the of the small lot exception. At this time a small lot exception is not being requested, but would like to point out that exceptions to the setback standards were adopted in order to mitigate requirements that were unnecessarily restrictive for such lots as the subject property.

3.300NEAHKAHNIE URBAN RESIDENTIAL ZONE (NK-7.5, NK-15, NK-30)

(2) USES PERMITTED OUTRIGHT: In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance. (a) Single-family dwellings.

RESPONSE: the proposed development is a single-family dwelling which is permitted outright.

(4) STANDARDS: Land divisions in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:

- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:
 - 1. The provisions of the “cluster subdivision” section of the Land Division Ordinance or of the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet.
 - 2. In the Neahkahnie Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.130 of the Land Use Ordinance, but such lots shall not be smaller than the minimums provided in the NK-7.5, NK-15 and NK-30 zones.
- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard setback shall be 20 feet.
- (e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet.
- (f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.
- (g) The maximum building height shall be 17 feet west of the line shown on the zoning maps and 24 feet east of that line. (That line is approximately 500 feet east of the Beach Zone Line.)
- (h) Livestock may be located no closer than 100 feet to a residential building on an adjacent lot.

RESPONSE: The subject property, although located in the NK-15 zone does not meet the minimum standards for this zone: that is minimum 15,000 SF lot size, or 60 feet minimum lot

width along the street frontage which were existing conditions and not self-created circumstances, along with the topographic and dimensional issues are unique and constraining features for this development.

IV. CONCLUSION

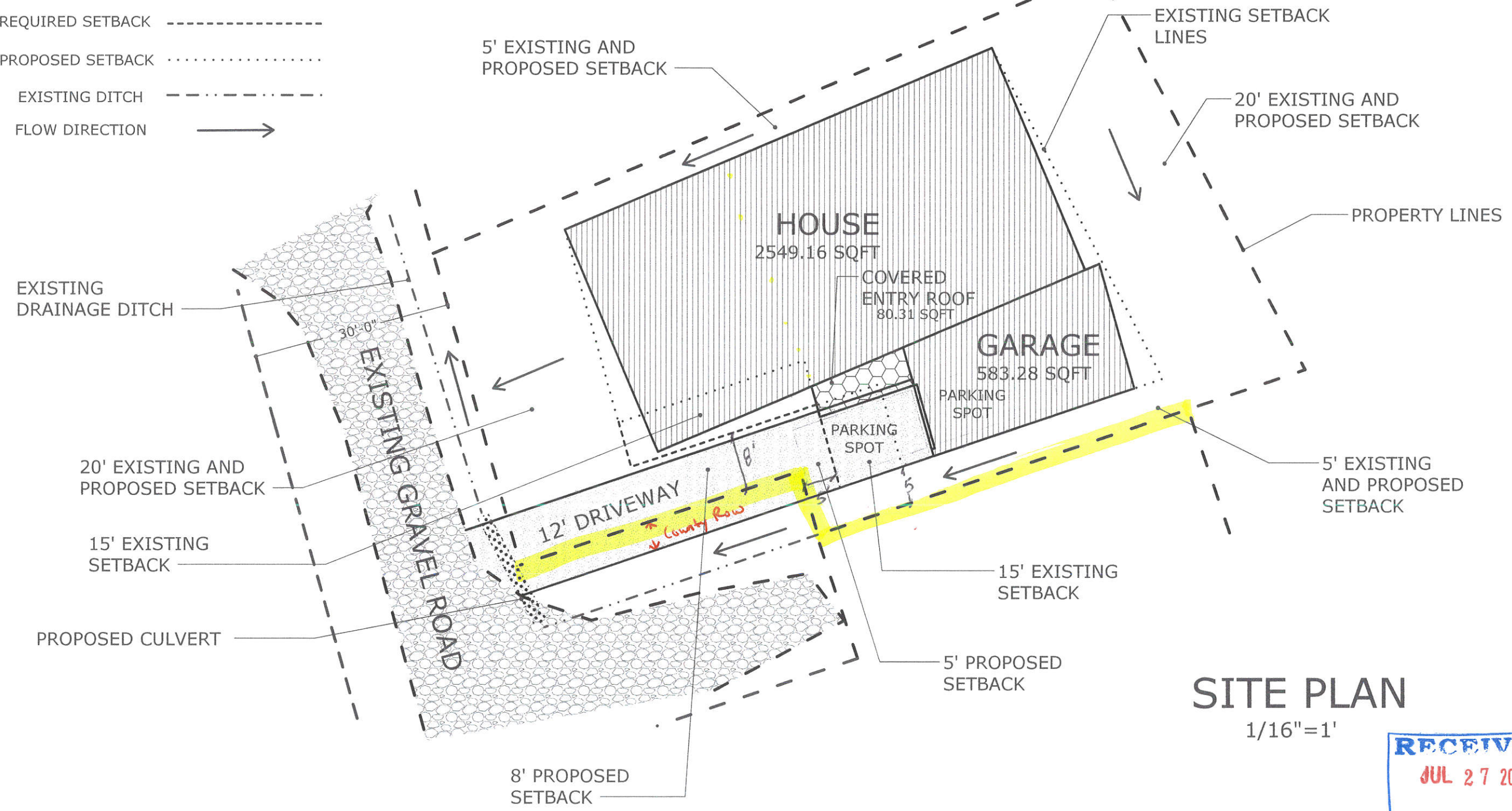
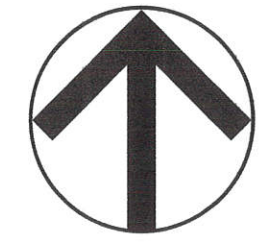
The buildable area for a dwelling within the standard setback distances is very limited and constrained and is further exacerbated by the topography (steep sloping terrain on eastern side of property) size and configuration of the lot relative to the road right-of-way.

Applicant is requesting that the Tillamook County Community Development Department grant a variance to the side yard setback adjacent to the road right-of way to accommodate the reasonable request of developing the lot with a single-family dwelling that will allow the owners to successfully age-in-place. Specifically, approval would allow the applicant to construct a dwelling that is 8 feet setback along SW property corner, and 5 ft setback along the 10 ft section adjacent to the end of the road right-of-way, all other setbacks are to follow standard distances.

Based on the unique existing limitations for the establishment of a dwelling on this particular lot, described above, the Applicant believes the Tillamook County Community Development Department can find that the proposed dwelling has been designed to have the least impact to the neighborhood, and approve the applicant's proposal.

LEGEND

- PROPERTY LINE - - - - -
- REQUIRED SETBACK - - - - -
- PROPOSED SETBACK ······
- EXISTING DITCH - ······
- FLOW DIRECTION →



SCovel DESIGN
 GROUP
 541-994-4000

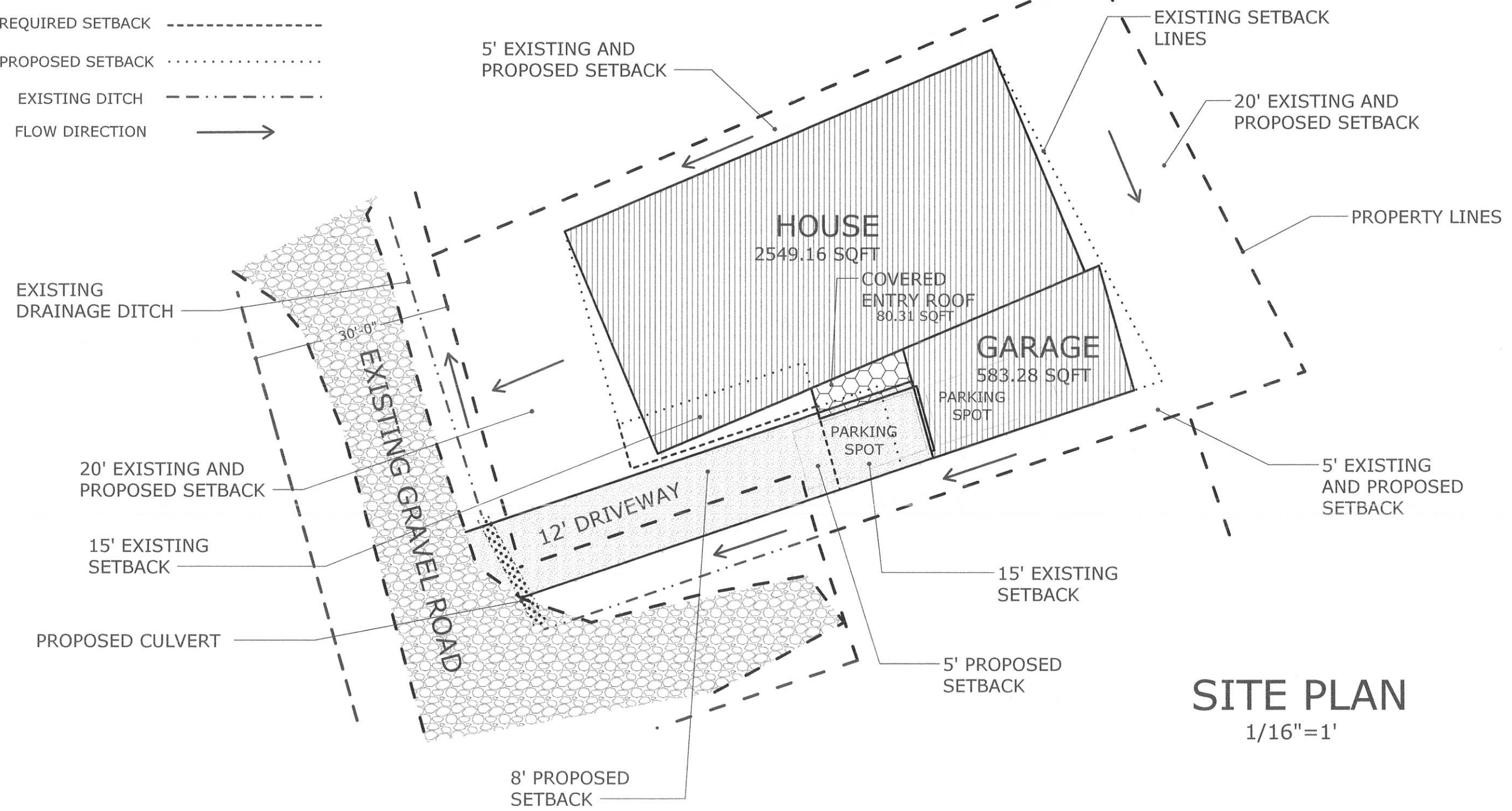
SITE PLAN

1/16"=1'



LEGEND

- PROPERTY LINE - - - - -
- REQUIRED SETBACK - - - - -
- PROPOSED SETBACK ······
- EXISTING DITCH - ······
- FLOW DIRECTION →



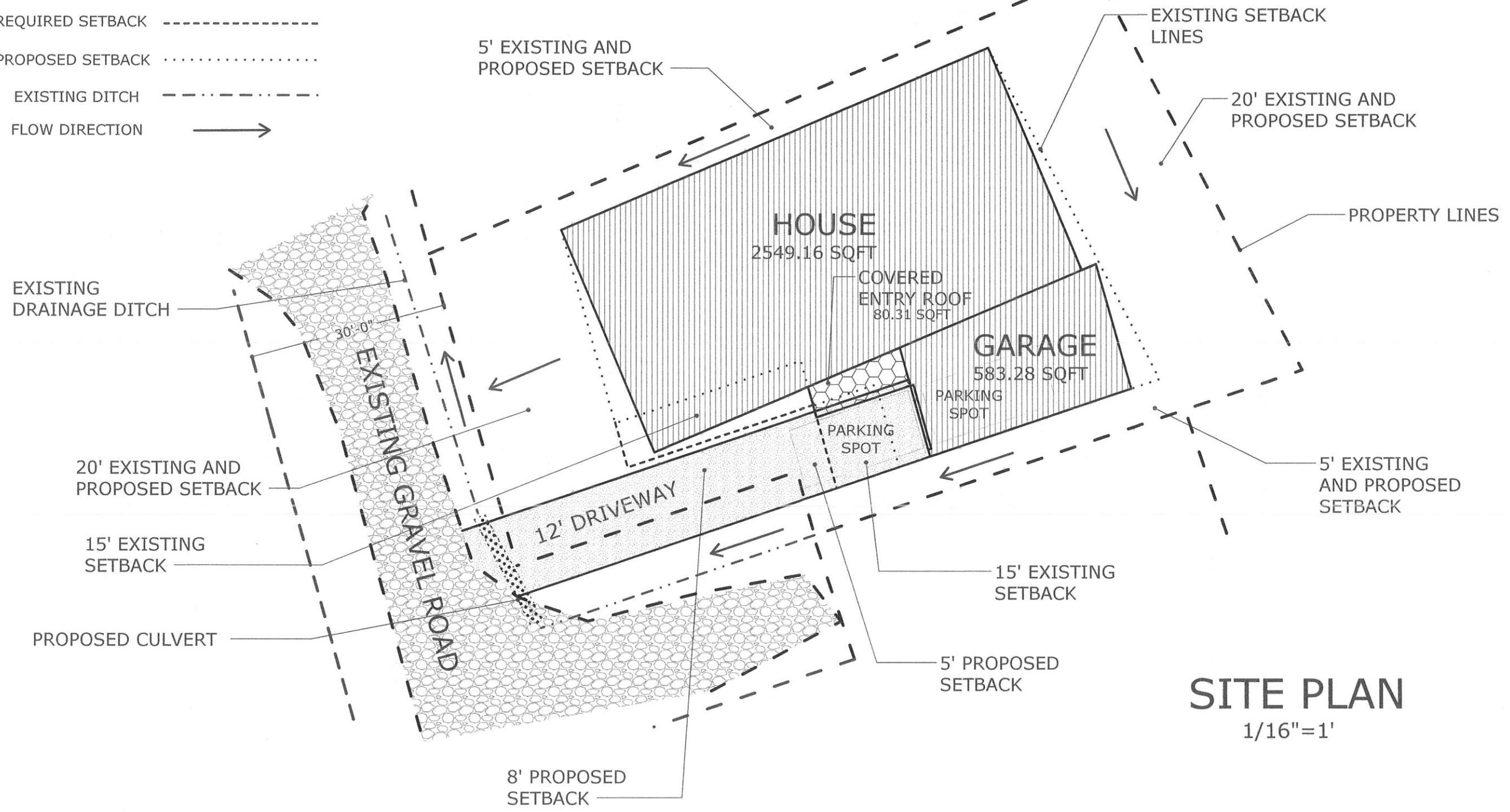
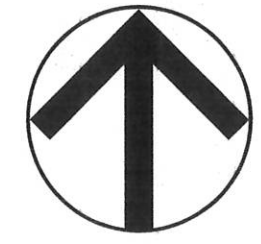
SITE PLAN

1/16"=1'

SCovel DESIGN
 GROUP
 541-994-4000

LEGEND

- PROPERTY LINE - - - - -
- REQUIRED SETBACK - - - - -
- PROPOSED SETBACK ······
- EXISTING DITCH - ······
- FLOW DIRECTION →



SITE PLAN 1/16"=1'

SCOVILL DESIGN GROUP
 541-994-4000

EXHIBIT C



VARIANCE REQUEST #851-21-000296-PLNG: KAVANAUGH

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: October 13, 2021

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-21-000296-PLNG: A Variance request to reduce the required 15-foot street-side yard setback to 8-feet for the construction of a single-family dwelling on a property located in the Unincorporated Community of Neahkahnie. The subject property is accessed via Beeswax Trail, a County road, is zoned Neahkahnie Urban Residential (NK-15) and is designated as Tax Lot 2401 of Section 20CB, Township 3 North, Range 10 West, W.M., Tillamook County, Oregon. The applicants and property owners are David and Shirley Kavanaugh.

Written comments received by the Department of Community Development prior to 4:00 p.m. on October 27, 2021, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, October 28, 2021. Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <http://www.co.tillamook.or.us/gov/ComDev/planning/default.htm>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3317 or sabsher@co.tillamook.or.us.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher". The signature is fluid and cursive.

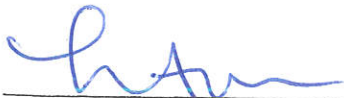
Sarah Absher, CFM, Director

Enc. Maps and applicable ordinance criteria

CERTIFICATE OF MAILING

I certify that I served the foregoing Notice regarding 851-21-00294-RNG as shown on the attached, and made a part hereof, on the 13 day of October, 2021, a true and correct copy of the Notice of Administrative review, contained in a sealed envelope addressed to person as shown at their last known address as shown in the latest records in the Tillamook County Assessor's Office, and deposited in the official mail deposit of the Tillamook County Courthouse at Tillamook, Oregon, on the 13 day of October, 2021, and that the postage thereon was prepaid to each addressee.

By: _____



10-13-21

Date

3N1020CB01400
8350 BEESWAX TRAIL LLC
636 HAVERFORD AVE
PACIFIC PALISADES, CA 90272

3N1020CB01100
ARCH, ELIZABETH C TRUSTEE
3675 SE GLENWOOD ST
PORTLAND, OR 97202

3N1020CB01200
ARCH, ELIZABETH CLARK TRUSTEE
3675 SE GLENWOOD ST
PORTLAND, OR 97202

3N1020CB01000
ARCH, ELIZABETH CLARK TRUSTEE
3675 SE GLENWOOD ST
PORTLAND, OR 97202

3N1020CA01500
BARMES, WILLIAM J &
8330 TREASURE ROCKS RD
NEHALEM, OR 97131

3N1020CB02000
BONNET, EMMANUEL & AUDREY
2945 NE 48TH AVE
PORTLAND, OR 97213

3N1020CB01600
BROWN, JAMES S TRUSTEE &
3125 SE REX ST
PORTLAND, OR 97202

3N1020CB02100
COLEMAN, MICHAEL S & VICKI A
17564 OAK MEADOW LN
LAKE OSWEGO, OR 97034

3N1020CB03300
CRUTCHER, RONALD L & THEEL, MA
15089 NW DOMINION DR
PORTLAND, OR 97229

3N1020CB01500
DEAN, NIGEL A & KARRISA L
6400 SE 101ST AVE #STE X4
PORTLAND, OR 97266

3N1020CA01100
FRACK, ERICK N CO TRUSTEE &
2247 SEQUOIA CT
LAKE OSWEGO, OR 97035

3N1020CB01800
GILLPATRICK, THOMAS R
5331 SW MACADAM AVE #STE 258 P
PORTLAND, OR 97239

3N1020CB02501
GOOD HOPE PARTNERS, L.P.
PO BOX 208
NORTHEAST HARBOR, ME 4662

3N1020CB02600
HARRIS, WILLIAM A & ALLYSON A
2424 NE 25TH AVE
PORTLAND, OR 97212

3N1020CA01000
HICKMAN, KATHRYN A &
PO BOX 788
MANZANITA, OR 97130

3N1020CB02400
HOLT, DAVID J TRUSTEE &
PO BOX 711
MANZANITA, OR 97130

3N1020CB02401
KAVANAUGH, DAVID C & SHIRLEY A
4328 CROISAN RIDGE WAY S
SALEM, OR 97302

3N1020CA00900
KRYDER, MARK H & SANDRA L
150 BEACON ST #UNIT 1
BOSTON, MA 2116

3N1020CA01200
LIERMAN, KATIANNE &
2691 SE DAVIES CT
MILWAUKIE, OR 97267

3N1020CB02700
LINCICUM, MICHAEL S TRUSTEE
13021 SE RIVER RD #305P
PORTLAND, OR 97222

3N1020CB02800
LINCICUM, MICHAEL S TRUSTEE
13021 SE RIVER RD #305P
PORTLAND, OR 97222

3N1020CB02200
LINCICUM, MICHAEL S TRUSTEE &
13021 SE RIVER RD #305P
PORTLAND, OR 97222

3N1020CB01700
LOVETT, STEVEN T &
2434 SW SHERWOOD DR
PORTLAND, OR 97201

3N1020CB01302
MATHERS, TODD TRUSTEE &
636 HAVERFORD AVE
PACIFIC PALISADES, CA 90272

3N1020CB02500
MERRILL, KAY J TRUSTEE
17980 SW KEMMER RD
BEAVERTON, OR 97007

3N1020CB02900
MORTON, ROBERT & MARGARET
2443 NE 20TH AVE
PORTLAND, OR 97212

3N10200000704
SAN DUNE ROAD LLC
2952 NW 132ND AVE
PORTLAND, OR 97229-3690

3N1020CA01600
SHORT, STANLEY JOSEPH
4606 E MAPLE LANE CIR NW
GIG HARBOR, WA 98335

3N1020CB03200
SIMMONS, ELLEN P TRUSTEE
730 SE 72ND AVE
PORTLAND, OR 97215

3N1020CA01800
STRAND, DAVID W & CHRISTINE A
8355 TREASURE ROCK RD
NEHALEM, OR 97131

3N1020CB03000
STULL NEAH-KAH-NIE CABIN LLC
PO BOX 742
LAKE OSWEGO, OR 97034

3N1020CB01900
TYLER, THOMAS RYAN & KIMBERLY
3544 AVALON DR
HOOD RIVER, OR 97031-8752

3N1020CA01700
WALLIS, WALTER MERLE &
PO BOX 103
MANZANITA, OR 97130

3N1020CB03100
WAYSON, BARBARA
4195 SW 78TH AVE
PORTLAND, OR 97225



Transaction Receipt
Record ID: 851-21-000296-PLNG
IVR Number: 851016105436

Tillamook County
1510 - B Third Street
Tillamook, OR 97141
(503) 842-3408
Fax: 503-842-1819
dtupper@co.tillamook.or.us

Receipt Number: 121351

Receipt Date: 7/27/21

www.co.tillamook.or.us/gov/ComDev

Parcel: 3N10 20CB 02401

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
7/27/21	1.00 Ea	Variance - planning	010-01152-4317	\$983.00	\$983.00
7/27/21	1.00 Ea	Variance - public works (all other reviews)	160-16003-4125	\$106.00	\$106.00

Payment Method: Check number: 92 Payer: David C Kavanaugh Payment Amount: \$1,089.00

Cashier: Abby Stephens

Receipt Total: \$1,089.00

Christopher Laws

From: Sarah Absher
Sent: Thursday, October 28, 2021 7:52 AM
To: Christopher Laws
Subject: FW: Variance Request #851-21-000296-PLNG: Kavanaugh

FYI

From: Dave Holt <daveholt52@gmail.com>
Sent: Tuesday, October 19, 2021 9:54 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: Re: Variance Request #851-21-000296-PLNG: Kavanaugh

Thanks for the quick response and clarification. You're the best!

This is what I understood to be the case and we have no issues with this variance.

Thanks, Dave

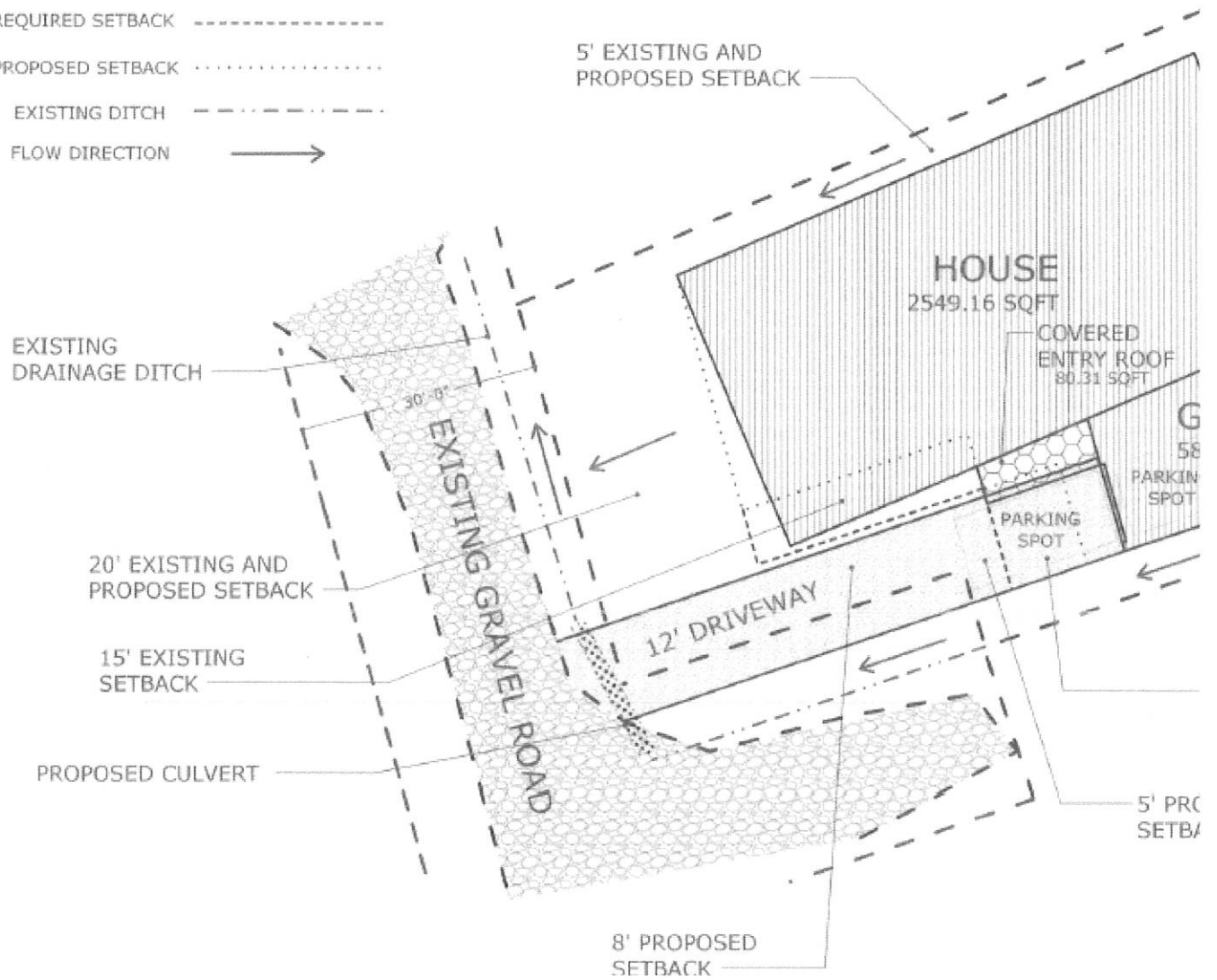
On Tue, Oct 19, 2021 at 9:43 AM Sarah Absher <sabsher@co.tillamook.or.us> wrote:

Hello Mr. Holt,

Here is the proposed site plan:

LEGEND

PROPERTY LINE	- - - - -
REQUIRED SETBACK	- - - - -
PROPOSED SETBACK
EXISTING DITCH	- - - - -
FLOW DIRECTION	→



From: Tillamook County OR <tillamookcounty-or@municodeweb.com>

Sent: Tuesday, October 19, 2021 9:19 AM

To: Sarah Absher <sabsher@co.tillamook.or.us>

Subject: EXTERNAL: [Sarah Absher] Variance Request #851-21-000296-PLNG: Kavanaugh

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David Holt (daveholt52@gmail.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Hi Sarah,

I received the variance request for the Kavanaugh property in Neahkahnie - our next door neighbors. The notice doesn't state whether the setback (15 feet to 8 feet) is for the South side of the property or the West side of the property. I'm assuming it's for the South side, but could you please confirm which side they are requesting the variance for?

Thanks, Dave Holt
(503) 757-1717

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